

MINUTES
ZONING BOARD OF ADJUSTMENT
JANUARY 15, 2008
REGULAR MEETING
SALUTE TO FLAG
SUNSHINE LAW READ

ROLL CALL

PRESENT: Robert Knight, Michael Mahon, Glenn Malysz, Joseph Sparacio, Adrienne Spota, Lewis Wildman

ALSO PRESENT: Michael Steib, Esq. Board Attorney
Sarah Paris, Administrative Officer
David Thesing, P.E., Board Engineer

ABSENT: Michael Fishman, Steven Pitchon, Matthew Weilheimer

No public comment.

The Board accepted the minutes of January 8, 2008.

Offered: Glenn Malysz	Second: Lewis Wildman
Ayes: 6	Nays: 0
Absent: 2	Abstain: 0

ZB 06-6241 A – Beacon Hill Self Storage, LLC

Continuation of a public hearing for an approval of a Site Plan to construct a self-storage facility with five self-storage buildings of varying sizes, located on the corner of Tennent and Greenwood Road, Block 122, Lot 39, in the C-2 zone.

Salvatore Alfieri, Esq., on behalf of the applicant.

Mr. Alfieri stated that his engineer met with Mr. Thesing several weeks ago. The applicant is revising their plans, and they should be ready early in February. They are requesting to carry to March.

This hearing will be carried to March 18, 2008 with no further notice. Applicant signed an extension of time form.

ZB 06-6260 – Furey, James & Dawn

Continuation of a public hearing for an approval of a bulk variance to construct a single family dwelling on an undersized lot that has no frontage on a public right-of-way, with insufficient lot

width, and exceeding permitted density at 72 School Road East, Marlboro, Block 362, Lot 19 in the R-80 zone.

The following additional evidence was entered:

A – 56 Revised driveway alignment plan dated 12/10/07 prepared by Crest Engineering

A – 57 Copy of deed of easement and right-of-way dated 9/28/05

O – 1 Turning path for a single body fire truck at turn in existing driveway dated 4/9/07, prepared by Charles Rush, P.E.

O – 2 Turning path from School Road East for single bodied fire truck dated 4/9/07, prepared by Charles Rush, P.E.

O – 3 Scaled cross section of existing and proposed structure dated 4/9/07, prepared by Charles Rush, P.E.

O – 4 Aerial photo of the golf course from maps.live.com dated 1/15/08

Michael Bruno, Esq., on behalf of the applicant.

Mr. Bruno summarized the history of the application. He stated that the last hearing was November 8, 2007.

Peter W. Strong, P.E., Crest Engineering, Millstone, sworn and accepted as an expert witness.

Mr. Strong stated that he is a partner with Loralie Totten, who has testified previously on this application.

Mr. Strong stated that Ms. Totten talked with John Borden and was told that if there were a fire they would send a 32-foot pumper truck. He stated that they ran the calculations on an autoturn program, and the pumper would be able to maneuver the driveway, and there would be no problem accessing the site.

Mr. Strong stated that the old driveway varied from 9 – 14 feet wide, and the proposed driveway is consistently 12 feet wide. He stated that the old driveway was 7,609 square feet, and the proposed driveway is 8,380 square feet.

Mr. Bruno stated that the Furey's are responsible to maintain the driveway. They would continue to be responsible if the application were approved. He stated that the original easement dates back to 1941.

Mr. Sparacio questioned whether there was an updated report from John Borden. Mr. Bruno stated that there was not.

Salvatore Alfieri, Esq., on behalf of the objectors.

Mr. Alfieri questioned Mr. Bruno regarding the dimensions of the house. He also questioned whether the applicant was seeking to expand the width of the driveway, and how safe access would be handled during inclement weather.

Mr. Alfieri stated that there was a fire on the property a few years ago, and the fire trucks could not reach the house by the driveway, so they drove across the golf course. He also stated that the minimum width of a fire lane is 18 feet.

Charles B. Rush, P.E., 1 Hadley Avenue, Toms River, sworn and accepted as an expert witness for the objectors.

Mr. Rush stated that he measured the fire trucks, and did a study based on a 28-foot truck. They also calculated the turning ratio, and did not come up with the same answer. He stated that they took the information from plans, they did not survey the property.

Mr. Alfieri questioned the 30-foot flare at the end of the driveway and why it did not show on the application.

John Leocavallo, P.P., 388 Washington Road, Suite E, Sayreville, sworn and accepted as an expert witness for the objectors.

Mr. Leocavallo stated that the house was not in character with the neighborhood. He stated that it would create a negative when viewed from the golf course. He also stated that there is a height issue.

Mr. Leocavallo stated that the best situation would be to merge the lots to the open space area of the golf course. The house would cause a visual impact on the quality and character of the golf course, and would also cause a potential trespass issue. He stated that the application should not be approved.

Ms. Paris reminded the Board that the Board Planner was not present because the application was not for a use. She also questioned why the planner only looked at the southbound side of the property, and did not discuss the northbound.

Mr. Wildman questioned how there could be negative impact on the other houses when you can't see them.

Mr. Steib read subchapter 4 to the Board members so they would have the whole context.

Mr. Bruno stated that they are replacing a non-conforming house with a conforming one. He also questioned the storage area to the right of the house, and how the house could create a negative impact on that.

Mr. Alfieri stated that he had one other witness that could not make it tonight, and requested that the hearing be carried.

Mr. Alfieri gave his closing statement. He stated that the fact that the house is already there does not give the applicant the right to build whatever they want. He stated that the best planning alternative would be to incorporate the property into the existing golf course.

Mr. Bruno gave his closing statement. He stated that a non-conforming house will be replaced with a conforming one. Bad blood between both parties is not a reason to deny the application. He stated that the Fire Marshall that Mr. Alfieri wants to present is not a traffic engineer. He stated that it is not fair to ask the applicants to live in a 783 square foot home.

Mr. Thesing reviewed the variances. He stated that all 5 were existing. The variances are: lot frontage, lot depth, lot width, lot area, and does not front on public right of way.

Workshop

Offered by: Glenn Malysz

Seconded by: Lewis Wildman

The Board members agreed that they would be in favor of the application if it was contingent upon Mr. Borden giving his approval. Ms. Spota stated that the golf course was not considered open space. Mr. Malysz stated that the spirit and intent of the easement is for safe access to the property.

Out of Workshop

Offered by: Glenn Malysz

Seconded by: Robert Knight

Motion to grant application with the following conditions:

- Address all technical comments

- Plans must be submitted to Fire Subcode Official

- Subject to easement settlement

- Provide existing fire hydrant

- Revised line at School Road

Slight changes may be approved administratively by Mr. Thesing.

Offered by: Glenn Malysz

Seconded by: Robert Knight

Ayes: 5

Nays: 0

Absent: 2

Abstain: 0

Motion granted.

MEMORIALIZATIONS

ZB 07-6307 – Grand Seven, LLC

Memorialization of a resolution to dismiss without prejudice.

Offered by: Glenn Malysz

Seconded by: Adrienne Spota

Ayes: 6

Nays: 0

Absent: 2

Abstain: 0

Meeting adjourned.

Respectfully,

Denise K. Fluck